

**11-44-101. Title.**

This chapter is known as the "Facility Energy Efficiency Act."

Enacted by Chapter 244, 2010 General Session

**11-44-102. Definitions.**

As used in this chapter:

(1) "Cost savings" means a decrease in an expenditure, including a future replacement expenditure, by a political subdivision resulting from an energy efficiency measure adopted under this chapter.

(2) (a) "Energy efficiency measure" means an action taken by a political subdivision that reduces the political subdivision's:

- (i) energy consumption;
- (ii) water use; or
- (iii) sewage use.

(b) "Energy efficiency measure" includes:

- (i) insulation installed in a wall, roof, floor, foundation, or heating and cooling distribution system;
- (ii) a storm window or door, multiglazed window or door, heat absorbing or heat reflective glazed and coated window or door system, additional glazing, or reduction in glass area;
- (iii) an automatic energy control system;
- (iv) a heating, ventilating, or air conditioning and distribution system modification or replacement in a facility;
- (v) caulking and weatherstripping;
- (vi) a replacement or modification of a lighting fixture to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility unless the increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;
- (vii) an energy recovery system;
- (viii) a cogeneration system that produces steam or another form of energy for use primarily within a facility;
- (ix) a renewable energy or alternate energy system;
- (x) a change in operation or maintenance practice;
- (xi) a procurement of a low-cost energy supply, including electricity, natural gas, or water;
- (xii) an indoor air quality improvement that conforms to applicable building code requirements;
- (xiii) a daylighting system;
- (xiv) a building operation program that provides cost savings, including computerized energy management and consumption tracking programs or staff and occupant training; or
- (xv) a service to reduce utility costs by identifying utility errors and optimizing rate schedules.

(3) "Energy savings agreement" means a contract between a political subdivision and a qualified energy service provider for evaluation, recommendation,

and implementation of one or more energy efficiency measures.

(4) (a) "Facility" means a building, structure, or other improvement that is constructed on property owned by a political subdivision.

(b) "Facility" does not mean a privately owned structure that is located on property owned by a political subdivision.

(5) "Facility energy efficiency program" means a program established by a political subdivision under this chapter to adopt an energy efficiency measure.

(6) "Qualified energy service provider" means a person who:

(a) has a record of successful energy savings agreements; or

(b) has:

(i) experience in the design, implementation, and installation of energy efficiency measures;

(ii) technical capabilities to ensure that an energy efficient measure generates cost savings; and

(iii) the ability to secure the financing necessary to support the proposed energy efficiency measure.

Enacted by Chapter 244, 2010 General Session

**11-44-201. Political subdivision responsibilities -- State responsibilities.**

(1) A political subdivision may:

(a) enter into an energy savings agreement;

(b) develop and administer a facility energy efficiency program;

(c) analyze energy consumption by the political subdivision;

(d) designate a staff member who is responsible for a facility energy efficiency program; and

(e) provide the governing body of the political subdivision with information regarding the facility energy efficiency program.

(2) The following entities may provide information, technical resources, and other assistance to a political subdivision acting under this chapter:

(a) the Utah Geological Survey, created in Section 79-3-201;

(b) the State Board of Education, under Title 53A, Chapter 1, Administration of Public Education at the State Level;

(c) the Division of Purchasing and General Services, created in Section 63A-2-101; and

(d) the Division of Facilities Construction and Management, created in Section 63A-5-201.

Enacted by Chapter 244, 2010 General Session

**11-44-202. Types of agreements.**

Notwithstanding Section 63G-6a-1205, a political subdivision shall structure an energy service agreement as a guaranteed energy savings performance contract, which shall include:

(1) the design and installation of an energy efficiency measure, if applicable;

(2) operation and maintenance of any energy efficiency measure implemented;

and

(3) guaranteed annual cost savings that meet or exceed the total annual contract payments by the political subdivision under the contract, including financing charges incurred by the political subdivision over the life of the contract.

Amended by Chapter 347, 2012 General Session

**11-44-203. Length of agreements.**

A political subdivision may only enter into an energy savings agreement for more than one year if the political subdivision finds that the amount the political subdivision would spend on the energy efficiency measure will not exceed the amount of the cost savings over 20 years from the date of installation of the energy efficiency measure.

Enacted by Chapter 244, 2010 General Session

**11-44-301. Selection.**

(1) A political subdivision shall follow the procedures outlined in Title 63G, Chapter 6a, Utah Procurement Code, when selecting a qualified energy service provider.

(2) The Division of Purchasing shall maintain a list of qualified energy service providers.

(3) The qualified energy service provider selected from the bid process shall prepare an investment grade energy audit, which shall become part of the final contract between the political subdivision and the qualified energy service provider.

(4) The audit shall include:

- (a) a detailed description of the energy efficiency measure;
- (b) an estimated cost; and
- (c) a projected cost savings.

Amended by Chapter 347, 2012 General Session

**11-44-302. Annual reports.**

During the term of an energy savings agreement, the qualified energy service provider shall submit an annual report to the political subdivision that provides the cost savings attributable to the energy efficiency measures taken by the political subdivision.

Enacted by Chapter 244, 2010 General Session